

FREQUENTLY ASKED QUESTION # 18: What are my responsibilities for offering light duty positions?



REFERENCE: 5 C.F.R. Part 353:

Agencies must make every effort to restore in the local commuting area, according to the circumstances in each case, an individual who has partially recovered from a compensable injury and who is able to return to limited duty. At a minimum, this would mean treating these employees substantially the same as other handicapped individuals under the Rehabilitation Act of 1973, as amended. (See 29 U.S.C. 791(b) and 794.) If the individual fully recovers, he or she is entitled to be considered for the position held at the time of injury, or an equivalent one. ***A partially recovered employee is expected to seek reemployment as soon as he or she is able.***

Refer to your Human Resources Department for specific guidance on your agency's policy.

KEY POINTS:

- If you provide an appropriate temporary or light duty job, along with support in accommodating the employee's return, early return to work can enhance both the psychological and physical recovery of that employee according to the American Occupational Medicine Association.
- Injured employees, even with physical limitations, are valuable assets to your organization and overall mission, if they are properly utilized in fulfilling specific tasks that contribute to the organization's mission.
- An employee **MUST** accept any light duty position, offered by the Agency, that meets the attending physician's statement of physical limitations or the employee may lose eligibility for compensation benefits.
- To be effective in controlling unnecessary costs, Agencies **MUST** provide limited duty, if medically feasible.
- Agencies are being measured in their ability to reduce injury and illness rates through the President's SHARE Initiative. You need to be aware that your agency is charged with reducing the following:
 - Reducing total case rates by at least 3%
 - Reducing lost time case rates by at least 3%
 - Increasing timely filing of claims by at least 5%
 - Decreasing lost production days by at least 1%

PROCESS:

Through the ARC Instructions, injured employees are notified in writing of their responsibility to return to work as soon as medically feasible. You should also be communicating with them on a regular basis, checking on their well being and inquiring about their return to work status.

At the beginning of the claim process, the employee is provided with a Duty Status Report form (CA-17) and instructed to obtain your assistance in providing their physician with appropriate information concerning the physical requirements of their job. If the employee provides you with work restrictions, you must evaluate your ability to accommodate the request.

Throughout the life of the claim, the ARC WC Specialist will be resubmitting a copy of the initial Duty Status Report to the health care provider to determine if there are any changes in the employee's ability to return to work, with or without accommodations.

Whenever a modification in a job must be made, FECA's regulations require that "suitable job offers" be put in writing. The employee's acceptance and/or declination of the job offer will also be requested in writing as well.

Such offers will include the following:

- A description of the duties to be performed.
- The specific physical requirements of the position and any special demands of the workload or unusual working conditions.
- The organizational and geographical location of the job.
- The date on which the job will first be available.
- The date by which a response to the job offer is required.

The ARC Workers' Compensation Specialist will assist you in offering modified jobs and meeting your statutory obligations as outlined above.

**Questions? Contact the ARC WC Specialist at (304) 480-8229
or email questions to WorkersComp@bpd.treas.gov**